

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
and the STATE OF MISSISSIPPI,)
)
Plaintiffs,)
)
)
v.)
)
)
THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
)
v.)
)
)
)
THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)

DECLARATION OF EDWARD “TED” HENIFIN

1. My name is Edward “Ted” Henifin. I am over 21 years of age and have personal knowledge of the facts stated below.
2. Pursuant to the Interim Stipulated Order (“ISO”), dated November 29, 2022, as amended on April 4, 2023, I have been appointed the Interim Third-Party Manager (“ITPM”) for the City of Jackson’s Water System and the Water Sewer Business Administration. Similarly, pursuant to the Stipulated Order on the Sewer System, dated September 30, 2023, as amended on October 5, 2023, I have also been appointed the ITPM for the Sewer System.

3. In December 2023, I created JXN Water, Inc. to use as an operating entity to implement the ISO, and pursuant to the Amended ISO, I am authorized to operate through JXN Water, and I am required to sign on behalf of JXN Water so that it cannot operate independent of my authority under the ISO or without Court oversight. I am authorized to execute this declaration on behalf of JXN Water.
4. I was not provided notice of a potential leak at the UMMC Clinic or on the property of Lakeland Seniors, LLC until learning from my outside counsel that a lawsuit had been filed against JXN Water for that leak. A copy of the complaint was provided to me on June 15, 2023.
5. That same day, June 15th, I visited the site to look for any sign of a leak. I found the meter and hydrant on the UMMC property on the curb between two areas of the parking lot. The meter had been recently replaced and the old meter box was still present on the sidewalk. The parking lot immediately to the west of the meter and hydrant is up gradient from the meter. In other words, the slope of the parking lot is toward the meter and hydrant and away from Lakeland Seniors' property. I did not observe any evidence of an active water leak.
6. The following photo is a true and correct representation of the area around the hydrant and water meter on June 15, 2023. I also used Google Map imaging to prepare an overhead that shows the location of the meter and hydrant as well as the slope of the UMMC parking lot immediately west and between the meter and Lakeland Seniors' properties.





No active leaks 6/15/23

Hydrant and meter location

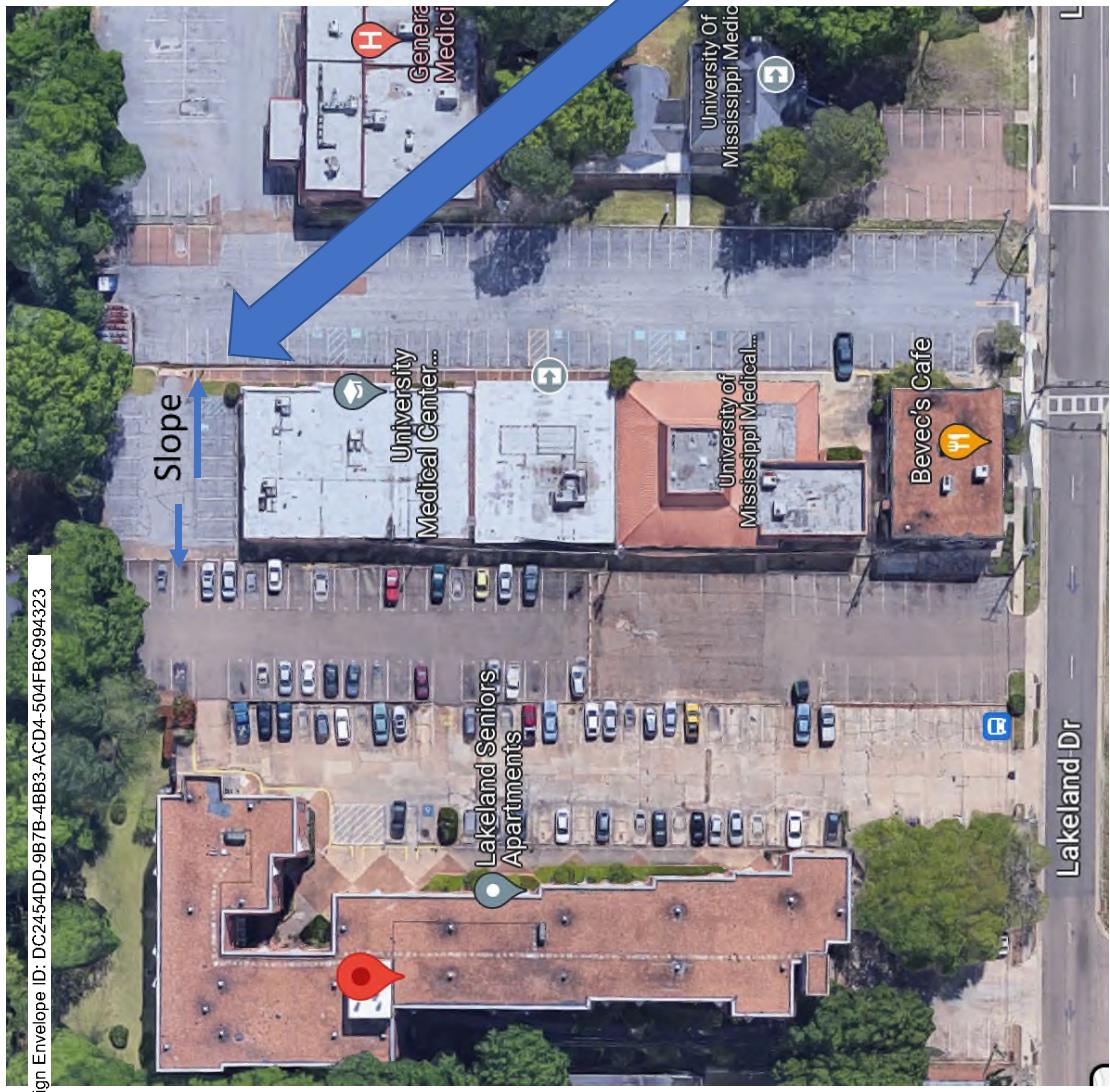


Exhibit 2

7. After reviewing the documents provided by counsel for Lakeland Seniors and the Declaration of David Vondenberger, I visited the site again on October 6, 2023. The following photos are true and correct representations of the area around the meter and hydrant that day.



8. Since June, the parking lot on UMMC's property and the curb have been repaved, repaired, and painted. The water in these photos was the result of rain earlier that morning. The facility on Lakeland Seniors' property can be seen in the background, and the photos show the slope of this area of UMMC's parking lot. The meter and hydrant are downhill, and the slope moves away from Lakeland Seniors' property.
9. As in June, there was no evidence of an active water leak from the meter or the hydrant.
10. Photos taken from the same location a few weeks later, on October 30, 2023, show no standing water and no evidence of an active water leak. The following photo is true and correct representation of the area around the meter and hydrant on October 30.



11. I have also reviewed the test results from samples taken on Lakeland Seniors' property. None of the results from samples taken in the parking lot areas show the presence of treated drinking water.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: October 31, 2023

DocuSigned by:

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Edward "Ted" Henifin